

PATENT

Attorney Docket No. 65044
Express Mail Label No. EV 334813846 US

REMARKS

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested. Moreover, the Applicant has reviewed the Final Office Action of May 19, 2004, and submits that this paper is responsive to all points raised therein.

Status of The Claims

Claims 8-11, 14-16, 23, 24 and 26-30 are pending in this application. Claims 9-11, 14-16, 23, 24, 26-28 and 30 have been amended. Claims 11, 16, and 26-28 have been amended for clarity and consistency, while claims 9, 10, 14, 15, 23, 24 and 30 have been amended for consistency with the specification.

Double Patenting Rejections

Claims 8-11, 14-16, 23, 24 and 26-30 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1 and 6-20 of copending U.S. Patent Application Serial No. 09/483,172, now U.S. Patent No. 6,792,465.

As U.S. Patent Application Serial No. 09/483,172 has issued as U.S. Patent No. 6,792,465, applicant will file a terminal disclaimer prior to the issuance of the above-listed patent application.

Accordingly, it is respectfully asserted that the filing of this Terminal Disclaimer will overcome the double patenting rejection.

Rejections Under 35 U.S.C. §102(e)

Claim 28 was rejected under 35 U.S.C. § 102(e) as being unpatentable Shorrock, et al. (U.S. Patent No. 6,283,065) (Shorrock '065).

Claim 28 is directed to a two-sided rabies tag formed of a body, with rabies information on one side, and information for accessing a host computer on the other side.

Shorrock '065 is directed to a collar with a stud, on which information can be placed. As the collar goes around the neck of a pet, only one side of the stud carries the information, for if information were placed on the other side of the collar, the collar would have to be removed, defeating the purpose of the stud and the collar.

Additionally, the citation of the rabies tag in Col. 1, lines 21-26 in Shorrock '065 is to conventional rabies tags. With these conventional rabies tags, the rabies information is on a single side of the tag, as required by various governmental authorities.

Based on the above, Shorrock '065 fails to show the claimed rabies tag. Accordingly, it is respectfully asserted that claim 28 is not anticipated by Shorrock '065 under 35 USC 102(e).

Rejections Under 35 U.S.C. §103(a)

Claims 8-11, 14-16, 23, 24, 26, 27, 29 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shorrock '065 in view of Christian (U.S. Patent No. 6,502,060).

Initially, claim 28, from which claims 29 and 30 depend, has been discussed above. That discussion is applicable here.

Independent claim 26, as stated previously in the response to the First Office Action of October 24, 2003, is directed to a method of locating lost pets, that includes recitations for the use of a two-sided rabies tag. In this system, a rabies tag is issued to the pet, with rabies

information on one side and information on how to access a host computer on the other side.

The rabies tag is standard for all pets, and is typically issued to the pet by an approved issuing authority, such as a veterinarian. As a result of this two-sided rabies tag, the rabies information from this tag can be entered into and matched in the host computer. If there is a match of rabies information, the lost pet's finder is provided with the contact information for the pet's owner.

Claim 11 recites a computer program that utilizes the aforementioned two-sided rabies tag. Claim 16 recites a system comprising a host computer that utilizes the aforementioned two-sided rabies tag.

Shorrock '065 has been discussed above, that discussion is applicable here. As asserted above, Shorrock '065 provides only a collar stud, with only a single side suitable for displaying information. Although Shorrock '065 discloses using the stud to hold rabies information, it does not disclose use of this rabies information in computer systems or programs for locating lost pets. Rather, Shorrock '065 utilizes an identification code on the stud of the collar to reunite lost pets with their owners. Shorrock, Col. 4, lines 7-9.

Christian teaches a device for attaching to a dog collar that indicates the passage of time in accordance to the dog's frame of reference, for example, dog years to human years. While there is a mention to health data in a database in the device, it is the owner's name and phone number in this database, along with an e-mail address, that will be used to identify the pet should it get lost. Christian at Col. 10, lines 4-9.

Based on the references above, neither Shorrock '065 nor Christian, alone or combined, teach computer systems or programs that are associated with a dual sided rabies tag. Moreover, neither of these references teach using rabies information for identifying lost pets. For these reasons, the proposed combination of Shorrock '065 in view of Christian falls short of the

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claimed invention. Accordingly, claims 26, 11, 16, and 28 are non-obvious under 35 USC 103(a), in view of the art of record.

Since claims 26, 11, 16 and 28 are non-obvious over the art of record under 35 USC 103(a), claims 8-10 and 27, 14 and 15, 23 and 24, and, 29 and 30, respectively dependent thereon, are also non-obvious under 35 USC 103(a) and allowable over the art of record for the same reasons. These claims further distinguish the invention over the art of record.

Additional Remarks and Conclusion

The applicant notes the citation of Longo, et al. (U.S. Patent No. 5,912,956) to complete the record.

Should the Examiner have any questions or comments as to the form, content, or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Entry of this paper and allowance of all pending claims, claims 8-11, 14-16, 23, 24 and 26-30, is respectfully requested.

Respectfully submitted,

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